

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Cr. No. 03-10038-T

AUBREY CLARK,

Defendant.

MOTION TO CONTINUE SENTENCING HEARING

COMES NOW Aubrey Clark, by and through April R. Goode, Assistant Federal Defender, and moves this Honorable Court to continue his sentencing hearing date, currently set for Thursday, August 4, 2005, at 8:45 a.m. In support whereof, defendant states unto the Court that:

Defendant is returning to the district court for re-sentencing pursuant to the order of the Court of Appeals for the Sixth Circuit, case number 04-5389.

Undersigned counsel is scheduled to commence trial in United States v. Thurman, Cr. No. 05-20091-B, on Tuesday, August 2, 2005. The trial is expected to last two to three days. Due to extensive motion and trial preparation, counsel has been unable to meet with Mr. Clark in order to discuss a possible supplemental response to the presentence report, and any possible proof. Therefore, counsel requests an additional thirty days, to on or about September 5,

**MOTION GRANTED**

DATE: August 5, 2005

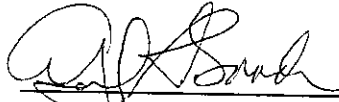
James D. Todd  
James D. Todd  
U.S. District Judge

2005, in which to prepare for the sentencing hearing.

Counsel has been unable to confer with the United States, in the person of Jerry Kitchen, Esq., Assistant United States Attorney, with respect to this request.

WHEREFORE, defendant Aubrey Clark respectfully requests an additional thirty days, from August 4, 2005, to on or about September 5, 2005, in which to prepare for the sentencing hearing in this cause.

Respectfully submitted,

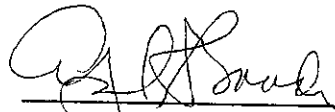


APRIL R. GOODE  
Assistant Federal Defender  
200 Jefferson Avenue, Suite 200  
Memphis, TN 38103  
(901) 544-3895

CERTIFICATE OF SERVICE

The Office of the Federal Defender has this date delivered a copy of the foregoing Motion to Continue the Sentencing Hearing to Jerry R. Kitchen, Esq., Assistant U.S. Attorney, 109 S. Highland Avenue, 3<sup>rd</sup> floor, Jackson, TN 38301.

THIS 29<sup>th</sup> day of July, 2005.



APRIL R. GOODE



## Notice of Distribution

This notice confirms a copy of the document docketed as number 63 in case 1:03-CR-10038 was distributed by fax, mail, or direct printing on August 3, 2005 to the parties listed.

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April Rose Goode  
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200 Jefferson Ave.  
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Memphis, TN 38103

Jerry R. Kitchen  
U.S. ATTORNEY  
109 S. Highland Ave.  
Jackson, TN 38301

Honorable James Todd  
US DISTRICT COURT